

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RADY CHARLES WATERS,

Defendant.

CR 19-05-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 10, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

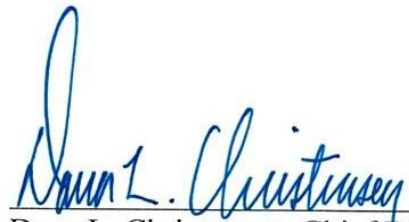
Judge Lynch recommended this Court accept Rady Charles Waters’s guilty plea after Waters appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession with the

intent to distribute cocaine, and aided and abetted the same, all in violation of 18 U.S.C. § 2 and 21 U.S.C. § 841(a)(1), as set forth in the Superseding Information. In exchange for Defendant's plea, the United States agrees to dismiss the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 84), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Rady Charles Waters' motion to change plea (Doc. 49) is GRANTED and Rady Charles Waters is adjudged guilty as charged in the Superseding Information.

DATED this 25th day of June, 2019.



Dana L. Christensen, Chief District Judge
United States District Court